

#2
10-24-01

PATENTS



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Pollard et al.	Attorney Docket:	0419-015
Serial No:	09/827,812	Examiner:	Not Assigned
Filed:	04/06/2001 based on U.S. Provisional Application Serial No. 60/195,889 filed April 7, 2000	Art Unit:	2161
Title:	AUTOMATED SAMPLE TRACKING AND GENERATION OF CORRESPONDING PRESCRIPTION.		

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington D.C. 20231

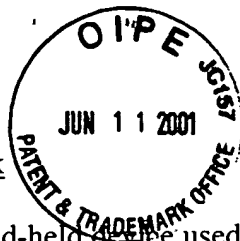
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Transmitted herewith is Form PTO/SB/O8B listing cited reference documents provided with this Information Disclosure Statement that may be relevant to the subject application. It is respectfully requested that this document be considered by the Examiner and an initialed copy of the form be returned to the undersigned. It is believed that this disclosure complies with the requirements of 37 CFR §§ 1.56, 1.97 and 1.98 and the MPEP §609. If for some reason the Examiner considers otherwise, it is respectfully requested that the undersigned be called so that any deficiencies can be remedied.

Submission of this document is consistent with the broadest interpretation of the duty of disclosure. In accordance with the rule for patent prosecution, such a submission is not to be construed as an admission that the information cited in the Information Disclosure Statement is, or is considered to be, material to patentability as defined in §1.56. Applicants respectfully reserve the right to challenge a conclusion that any of the submitted material represents information constituting prior art to the present application or that the information that applicant has located would be of the type used by one of ordinary skill in the art in solving the problems addressed in the present application. The submission of this material is consistent with the duty of disclosure and should not be interpreted as an indication that applicants have made a prior art search such that the examiner should not undertake to conduct an independent prior art search.

Applicants submit for consideration to the Examiner, a series of articles found on the World Wide Web.

IMS HEALTH PhasTrak



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PhasTrak provides a hand-held device used by field-based pharmaceutical company sales representatives for use in their daily sales call activities. This device contains some software for "product sample control and management—including signature verification, rapid retrieval and sampling history". Reference A: (www.imshealth.com/public/structure/discontent/1,2779,1000-1000-16023,00.html dated January 19, 2000, printed June 4, 2001)

The PhasTrak program is described in Reference B "Powerful, Professional Databases for Windows CE" by David Shier. See page 4 of the printed copy of this article where it notes that "one of the most important features of PhasTrak is the logging of sample products provided to physicians." The article notes that the physicians sign for the controlled substances that constitute the samples.

The PhasTrak program is also discussed in IMS HEALTH Strategic Technologies provided in Reference C.

ReadyScript

Reference B by David Shier also includes a mention of a product he was developing called "ReadyScript". This product is referenced on page 2 of the Shier article. From the Shier article, one can deduce that the product will run on a Palm-sized PC. The device running ReadyScript uses a wireless network to transmit prescriptions.

There is no reference to the problems associated with dispensing samples in the Shier discussion of ReadyScript. The collection of material from the BIOMERICA web site and from its subsidiary ReadyScript's web site provides additional detail on the functionality of the ReadyScript product with respect to prescriptions (See Reference set D). Although it is not clear that the material printed in June of 2001 reflects that status of the product before the filing date of the present application, this material does not mention the problem of working with pharmaceutical samples and thus provides no specific solution to these problems.

IMS HEALTH SampleTrak

Applicants provide notice that applicants have located a press release dated after the priority date for this application of a second IMS HEALTH product, SampleTrak, which can be integrated with the IMS HEALTH PhasTrak software mentioned above. The press release states that SampleTrak was announced on April 19, 2000, the date of the press release. This product is again directed to pharmaceutical field sales representatives but is focused on the process of providing samples to qualified physicians and then documenting the transaction.

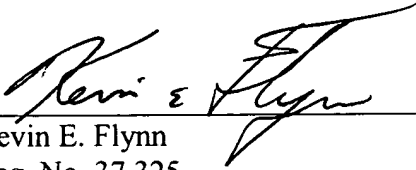
The IMS HEALTH SampleTrak announcement would not be prior art to the present application which relies on a provisional application filing date of April 7, 2000. Applicants provide this reference to the Examiner so that the Examiner may check whether a public disclosure regarding SampleTrak was made prior to the priority date of this application. The

press release provided with this disclosure was found on the IMS HEALTH web site with title "IMS Health Strategic Technologies Launches SampleTrak; the First Web-Based Solution for Managing Prescription Drug Sampling" (<http://www.imshealth.com/public/structure/discontent/1,2779,1000-1000-38951,00.html>) dated April 19, 2000 and printed June 4, 2001).

Applicants respectfully submit that the submitted material either alone or in combination does not disclose or render obvious the inventions claimed by applicants Pollard et al. in the present application.

Dated: June 6, 2001

Respectfully submitted,


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Enclosures

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Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

1

of

1

Complete if Known

Application Number	09/827,812
Filing Date	04/06/2001
First Named Inventor	Pollard et al.
Group Art Unit	2161
Examiner Name	Not Assigned
Attorney Docket Number	0419-015



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Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city, and/or country where published	T ²
	A	"IMS Health Strategic Technologies Launches PhasTrak; New Hand-Held Solution for Improving Pharmaceutical Customer Relationships", (http://www.imshealth.com/public/structure/discontent/1,2779,1000-1000-16023,00.html), dated January 17, 2000, printed June 4, 2001, 2 pages	
	B	"Powerful, Professional Databases for Windows CE", David Shier, (http://www.pocketpcmag.com/Jan00/database.html), printed May 31, 2001, 6 pages	
	C	IMS HEALTH STRATEGIC TECHNOLOGIES, Sybase, Inc. (2000) 2 pages	
	D	Web Pages from Biomerica, Inc.: Ready Script, printed June 4, 2001 <ul style="list-style-type: none"> • http://www.google.com/search?q+cache:hLKjIwSw7G4:www.readyscript.com/home/index.+ReadyScript&hl=en, (1 page) • http://www.readyscript.com/home/index.htm, (1 page) • http://www.readyscript.com/product/index.htm, (2 pages) • http://www.readyscript.com/product/rx.htm, (1 page) • http://www.readyscript.com/product/overview.htm, (1 page) • http://www.readyscript.com/product/benefits.htm, (3 pages) • http://www.readyscript.com/product/demo.htm, (1 page) 	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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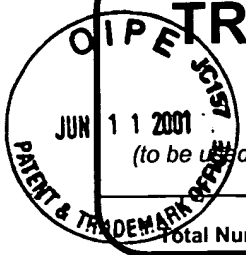
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of

Complete if Known

Application Number	
Filing Date	
First Named Inventor	
Group Art Unit	
Examiner Name	
Attorney Docket Number	

2161



PTO/SB/21 (6-98)

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

27

Application Number

09/827,812

Filing Date

April 6, 2001

First Named Inventor

Pollard et al.

Group / Art Unit

2161

Examiner Name

Not Assigned

Attorney Docket No.

0419-015

ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment / Response
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☒ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Small Entity Statement
- ☐ Request for Refund

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☒ Additional Enclosure(s) (please identify below):

Form SB/08B
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

Kevin E. Flynn

Signature

Kevin E. Flynn

Date

06/06/01

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

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